

Notice of Allowability

Application No.

10/690,682

Examiner

Tam Nguyen

Applicant(s)

KASTELIC, EDWARD P.

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to ____.
2. ☒ The allowed claim(s) is/are 1-6, 9-17 and 19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 10-22-03
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 7-21-06
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

JEROME DONNELLY
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joseph R. Meaney on July 21, 2006.

1. The application has been amended as follows:

In the Specification:

On Page 7, in line 7, delete "comprises a first block 10" and insert --comprises three blocks or step units, hereinafter referred to as "block(s)",--

In the claims:

Claims 7 and 18 are canceled.

In claim 1, delete lines 1-11 (entire claim) and insert

--1. A multi-configurable exercise device adapted for a user to step upon, the device comprising

a first substantially rectangular block having a first height, a first horizontal platform and a first support member wherein the first substantially rectangular block is supported from below by the first support member;

a second substantially rectangular block having a second height, a second horizontal platform, a second support member, a first vertical corner and a second vertical corner

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wherein the second substantially rectangular block is supported from below by the second support member;

a third substantially rectangular block having a third height, a third horizontal platform and a third support member wherein the third substantially rectangular block is supported from below by the third support member;

a first hinge connected to a vertical corner of the first block and the first vertical corner of the second block wherein the first hinge rotates about a first axis that is perpendicular to the first horizontal platform; and

a second hinge connected to a vertical corner of the third block and the second vertical corner of the second block wherein the second hinge rotates about a second axis that is perpendicular to the second horizontal platform.--

In claim 2, line 1, insert --located-- before "diagonally"

In claim 3, line 1, delete "further comprises" and insert --can be configured into--

In claim 3, line 3, delete "of the first position" and insert --in the first configuration--

In claim 3, line 5, delete "position" and insert --configuration--

In claim 8, delete lines 1-2 (entire claim) and insert

--8. The exercise device of claim 1 wherein the height of the second block is lower than the height of the third block.--

In claim 9, delete lines 1-2 (entire claim) and insert

--8. The exercise device of claim 1 wherein the height of the first block is lower than the height of the second block.--

In claim 10, on line 1, delete "of claim 7" and insert --of claim 1--

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In claim 10, on line 3, delete "the group" and insert --a group--

In claim 11, on line 1, delete "of claim 1" and insert --of claim 10--

In claim 12, on line 1, delete "of claim 1" and insert --of claim 10--

In claim 14, on line 3, delete "the group" and insert --a group--

In claim 15, on line 2, delete "the group" and insert --a group--

In claim 17, on line 2, delete "the group" and insert --a group--

In claim 19, delete lines 1-16 (entire claim) and insert

--19. A multi-configurable exercise device adapted for a user to step upon, the device comprising

a first substantially rectangular block having a first height, a first horizontal platform and a first support member wherein the first substantially rectangular block is supported from below by the first support member;

a second substantially rectangular block having a second height, a second horizontal platform, a second support member, a first vertical corner and a second vertical corner wherein the second substantially rectangular block is supported from below by the second support member;

a third substantially rectangular block having a third height, a third horizontal platform and a third support member wherein the third substantially rectangular block is supported from below by the third support member;

a first hinge connected to a vertical corner of the first block and the first vertical corner of the second block wherein the first hinge rotates about a first axis that is perpendicular to the first horizontal platform; and

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a second hinge connected to a vertical corner of the third block and the second vertical corner of the second block wherein the second hinge rotates about a second axis that is perpendicular to the second horizontal platform, wherein the exercise device can be configured into a first position and a second position such that the spatial orientation of the first, second and third blocks in the first position is different from the spatial orientation of the first, second and third blocks in the second position.--

REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance:

In view of the applicant's amendments and after further consideration of the invention, the claims as presented avoid the prior art of record. The prior art does not disclose a multi-configurable exercise device having three substantially rectangular step units or blocks, each having a horizontal platform adapted for a user to step upon, a unique height and a support member that supports the block from below wherein the blocks are coupled together at particular corners via hinges that rotate about axes that are perpendicular to the horizontal platforms.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Rice et al. '226 disclose folding steps or blocks of varying heights that are coupled together via hinges (see Fig.1).

Bock-Greissau '310, Sector '329, Kurani '452, Ofir '681, Sector '329 and Thompson '396 each disclose apparatuses comprising multiple polygonal shapes or prisms that can be reconfigured into multiple positions.

Kniefel et al. '876, Berg '430, Feist '273 and Sicherman '671 each disclose adjustable or foldable or portable steps or risers

Wilkinson '247, Hodgdon '509, Wilkinson '638, Sithole '007, Jacobs '838 and Wolfington et al. '246 each disclose steppers and exercise platforms having various components of different heights that are reconfigurable.

Marston '664 discloses a stepping apparatus having a plurality of surfaces of varying heights.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam Nguyen whose telephone number is 571-272-4979. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

July 21, 2006

JEROME DONNELLY
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Jerome Donnelly', with a large, stylized initial 'J'.